IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 711 OF 2004

IN

WRIT PETITION NO. 28 OF 2003

THE GOA FOUNDATION ....Applicants

Versus

THE DIRECTOR OF MUNICIPAL ADMINISTRATION AND ORS., ...Respondents

Ms Norma Alvares, Advocate for the applicant.

Mr. S. S. Kantak, Advocate General with Mr. S. Vahidulla, Addl. Govt. Advocate for the respondents No.1 and 6.

Mr. P. A. Kamat, Advocate for the respondent No.3

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 19th September, 2005

P.C.

Heard.

Though diverse prayers have been made in this miscellaneous civil application, the learned Counsel for the applicant confines this application to one prayer, namely that Survey No.47 should not be proposed by Calangute Village Panchayat for garbage disposal under the implementation of Rural Garbage Disposal Scheme - 2005. The prayer is made in view of the directions given by this Court in the Judgment/Order dated 30.7.2003 wherein this Court directed the Survey No.47 to be reverted to the Forest Department under the social forestry and its restoration to the original state.

The learned Counsel for Calangute Village Panchayat, in the backdrop of the Judgment of this Court dated 30.7.2003 submits and in our view fairly, that Calangute Village Panchayat shall propose some other site for acquisition for garabe disposal under the Rural Garbage Disposal Scheme, 2005. We accept the statement of the learned Counsel for Calangute Village Panchayat that Survey No.47 shall not be proposed for acquisition and any proposal made to that effect shall be withdrawn and some other site shall be proposed for land acquisition for garbage under the Rural Garabage Disposal Scheme - 2005.

In the light of the statement made by the learned Counsel for Calangute Village Panchayat recorded and accepted by us, we obseve that it will be open to Calangute Village Panchayat now to propose a fresh site for land acquisition for garbage disposal under the Rural Garbage Disposal Scheme - 2005 within 30 days from today.

In view thereof, no further order needs to be passed by us. Misc. Civil Application No.711/2004 stands disposed of accordingly.

R. M. LODHA, J.

N. A. BRITTO, J.

ssm.